

State of Vermont, Agency of Human Services Department of Corrections	Title: Supervision Transfers – Field	Page 1 of 5
Chapter District Offices - General	# 340.01	Supersedes #340.01, Instate Transfers, 11/10/97
Attachments, Forms & Companion Documents: All forms and guidance documents are available on the Department of Corrections' website.		
Local Procedure(s) Required: Yes Applicability: All Staff Security Level: "B" – Anyone may have access to this document. PDT Feedback Incorporated 3-23-15; Legal Review 4/3/15		

PURPOSE

The purpose of this administrative directive is to provide a consistent process, across all Vermont Department of Corrections (DOC) correctional facilities and field sites, for the transfer of offender cases from one field site to another field site, when the transfer is in the best interest of the offender's efforts to successfully reintegrate within the community.

POLICY

The policy of the DOC is that correctional facilities and field sites will work collaboratively to provide effective case management services to offenders. As part of this collaborative work effort, DOC employees shall facilitate the transfer of an offender's supervision from one field site to another field site when appropriate. The Department mission is to transition offenders to locations where they will most likely be successful.

AUTHORITY

28 V.S.A. §§ 202, 353, 403, 808, 808a, 808b, and 808c.

REFERENCE

DOC Administrative Directives: #371.02 *Facility Case Management*; #371.14, *Furlough Residence Approval*; #371.15, *Conditional Re-entry*; and #430.10, *Risk Management Supervision-Field*. DOC Interim Procedure: *Response Supervision Contact Standards – Field*.

DEFINITIONS

Case Co-Management: When an assigned facility and field office Corrections Services Specialist (CSS) engage in collaborative decision-making about an offender's case.

Case Management: DOC activities and programs related to offender case planning, community supervision, and custody. It is the collaborative process of classifying, assessing risk and needs, case planning, applying correctional resources, and supporting an offender from detention to discharge.

Furlough: A legal status for an offender under the custody of the Commissioner serving all or part of their incarcerative sentence in the community outside a correctional facility. This includes

1 offenders on pre-approved furlough (PAF), conditional re-entry (CR), reintegration furlough (RF),
2 treatment furlough (TF), medical furlough (MF), and home confinement furlough (HC).

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4 Intake: An initial meeting where an offender shares identifying information, criminal history, risk
5 issues, and other necessary information with the CSS.

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7 Parole: The release of an inmate to the community by the Parole Board before the end of the
8 inmate's sentence, subject to conditions imposed by the Board, and subject to the supervision and
9 control of the Commissioner of DOC.

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11 Probation: A form of community supervision where a suspended or deferred sentence is imposed by
12 a court, under which an offender found guilty of a crime upon verdict or plea, is subject to
13 conditions imposed by the court and placed under the supervision of the Commissioner of DOC.

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15 Resident: A person who:

- 16 1. Has continuously inhabited a county for at least one year prior to the commission of the offense
- 17 for which the offender is under supervision; and
- 18 2. Intends that such residence is the person's principal place of residence; and
- 19 3. Has not, unless incarcerated, remained in another state or states for a continuous period of six
- 20 months.

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22 Resident Family: A parent, grandparent, aunt, uncle, adult child, adult sibling, spouse, legal
23 guardian, or step-parent.

24 25 **PROCEDURAL GUIDELINES**

26 27 **1. Community Transfer**

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29 a. In order for an offender to receive a community transfer, the offender must satisfy at least
30 one of the following qualifying criteria:
 - 31 i. The offender was a resident in the receiving district at the time of sentencing.
 - 32 ii. The offender has a significant history of residing in the receiving district.
 - 33 iii. The offender has resident family residing in the receiving district;
 - 34 iv. The offender has secured verified full-time permanent employment in the receiving
 - 35 district.
 - 36 v. The offender has no ties to any community in Vermont.
 - 37 vi. The offender has developed an adequate release plan in the receiving district.
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39 b. A community transfer may be denied for the following reasons:
 - 40 i. There is a foreseeable risk of harm to public safety and/or the community due to the
 - 41 location of the proposed residence.
 - 42 ii. There is a foreseeable risk of harm to the victim due to the proximity of the proposed
 - 43 residence.
 - 44 iii. Specific zoning, ordinance, or local government agreements with the DOC which
 - 45 prohibit an offender's residence in the proposed location.
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47 c. All actions and decisions will be documented in electronic case notes.
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- d. The District Manager will assign a Community Corrections Program Supervisor (CCPS) to serve as the primary point of contact for managing the transfer of cases; both incoming and outgoing.
- e. All transfer requests will be reviewed and approved by a CCPS prior to a transfer. The CCPS will sign the transfer form indicating review and approval. If there is a disagreement between the sending field site and receiving field site, the transfer request will be referred to the District Manager of the sending field site and the District Manager of the receiving field site. If resolution is not achieved, the transfer request will be referred to the Director of Field Services, or designee, for a final decision.
- f. The sending site is responsible for transferring all financial accounts, if applicable, and the offender core file to the receiving field site.

2. Types of Transfers

a. Correctional Facility to Field Site

- i. A *Case Transfer Request Form* will be completed by the facility CSS when an offender meets the criteria outlined in section 1(a) and under the following circumstances:
 - 1) If during the initial facility intake that occurs within 5 days of a new admission, excluding weekends and holidays;
 - 2) If the offender requests to change districts.The facility CSS will send the completed *Case Transfer Request Form* to the assigned CCPS at the receiving district responsible for supervision of that area.
- ii. The following documents must accompany the *Case Transfer Request Form*:
 - 1) Sentencing Mittimus (if applicable);
 - 2) Probation Order (if applicable);
 - 3) Affidavit(s).
- iii. The facility CSS will contact the CCPS at the sending and receiving field sites to determine if any issues exist with the proposed transfer.
- iv. All transfer requests will be reviewed and approved by a CCPS prior to a transfer. The CCPS will sign the transfer form indicating review and approval. If there is a disagreement between the sending field site and receiving field site, the transfer request will be referred to the District Manager of the sending field site and the District Manager of the receiving field site. If resolution is not achieved, the transfer request will be referred to the Director of Field Services, or designee, for a final decision. If the offender has been accepted for transfer, the field CSS in the receiving field site will be responsible for release planning, and will be added as the case co-manager in the database.
- v. The receiving field site will have 10 business days to investigate and approve or deny the proposed transfer. The decision to approve or deny and rationale for the decision will be recorded on the *Case Transfer Request Form* and in electronic case notes.
- vi. The facility CSS is responsible for ensuring that the offender's case is organized and up to date.

b. Field Site to Field Site

- i. When an offender requests to transfer their supervision to another district and meets the criteria listed in section 1(a), the field CSS will complete the *Case Transfer Request Form* and send it to the assigned CCPS at their field site. The CCPS will then forward the Request Form to the CCPS at the field site responsible for supervision of that area.
- ii. The following documents must accompany the *Case Transfer Request Form*:
 - 1) Sentencing Mittimus (if applicable);
 - 2) Probation Order (if applicable);
 - 3) Affidavit(s).
- iii. The CCPS at the sending field site will contact the CCPS at the receiving field site to determine if this transfer meets criteria in section 1(a).
- iv. All transfer requests will be reviewed and approved by a CCPS prior to a transfer. The CCPS will sign the transfer form indicating review and approval. If there is a disagreement between the sending field site and receiving field site, the transfer request will be referred to the District Manager of the sending field site and the District Manager of the receiving field site. If resolution is not achieved, the transfer request will be referred to the Director of Field Services, or designee, for final decision.
- v. Once transfer has been approved, the field CSS in the sending field site will contact the field CSS in the receiving field site for reporting instructions for the offender.
- vi. On the date the offender is transferred to the receiving field site, the field CSS at the sending field site will complete the transfer. The furlough agreement is updated, if required, and the offender's core file is sent to the receiving site.
- vii. The field CSS at the sending field site is responsible for ensuring that the offender's case is organized and up to date.
- viii. If an offender fails to report to the receiving field site as directed, the receiving field site will attempt to contact the offender at the residence and, if appropriate, the work location. If the receiving field site is unable to locate the offender, they will contact the sending field site and advise that the case is being returned for follow-up.
- ix. The sending field site is responsible for the timely completion of any required or requested parole packet if the offender was transferred within 30 days of when the parole packets are due.
- x. For probation cases that have pending violations or require a violation to be filed, the violation will remain the responsibility of the sending field site to complete. The receiving field site cannot deny a transfer based solely on a pending violation.
- xi. When an offender is sentenced to probation by a court in a district where the offender does not reside, the case may be automatically transferred to the field site where the offender resides. The sending field site is responsible for completing the intake, ensuring the probation order is signed, providing reporting instructions, and completing the *Case Transfer Request Form*. Staff will follow local procedures on intakes of all cases.
- xii. If an offender without a residence restriction moves, the sending field site will fill out the *Case Transfer Request Form*.
- xiii. The DOC discourages transfer of reparative probation cases to field sites outside of the district where the crime occurred. The exception is if the offender does not reside in the district where the crime(s) was committed. In these cases, the offender will meet with and complete reparative activities under the jurisdiction of the Reparative Board in the district where the crime(s) was committed.

1 There is no specialized training requirement outside normal staff duties required for this directive.
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4 **QUALITY ASSURANCE** 5

6 Quality Assurance will be implemented by utilizing a tracking system within the Department's
7 Offender Management System. This tracking system will provide data including, but not limited to,
8 the number of cases transferred, the number of cases accepted/denied by each site, and incoming
9 and outgoing case transfers.